

UNITED STATES DISTRICT COURT

for the
Southern District of Ohio

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No. 2:22-mj-256

USPS Priority Mail parcel bearing tracking number 9505
5125 9659 2096 6683 92, addressed to Jim Davis, 1209
Indiana St, Martins Ferry, OH 43935

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

USPS Priority Mail parcel bearing tracking number 9505 5125 9659 2096 6683 92, addressed to Jim Davis, 1209
Indiana St, Martins Ferry, OH 43935

located in the _____ Southern _____ District of _____ Ohio, Eastern Division _____, there is now concealed (identify the person or describe the property to be seized):

A quantity of a controlled substance and/or proceeds which are evidence thereof, and/or contraband, in violation of Title 21, United States Code, Section 841(a)(1) and 843(b)

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 21 USC 841(a)(1)	Possession with intent to distribute a controlled substance
Title 21 USC 843(b)	Prohibited use of a communication center (U.S. Mail)

The application is based on these facts:

As set forth in the attached Affidavit of Postal Inspector MARC KUDLEY

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of _____ days (give exact ending date if more than 30 days:
18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet)

_____ is requested under



Applicant's signature

MARC KUDLEY, U.S. Postal Inspector

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by

(specify reliable electronic means).

Date: 04/08/2022

City and state: Columbus, Ohio

Kimberly A. Johnson

United States Magistrate Judge



IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF:

USPS Priority Mail parcels bearing tracking number 9505 5125 9659 2096 6683 85 and 9505 5125 9659 2096 6683 92, addressed to Jim Davis, 1209 Indiana St, Martins Ferry, OH 43935

Case No. 2:22-mj-256

MAGISTRATE JUDGE
Kimberly A. Jolson

Affidavit in Support of Application for Search Warrant

I, MARC A. KUDLEY, DO HEREBY DEPOSE AND SAY:

1. I am a United States Postal Inspector and have been so employed since May 2012, presently assigned at the U.S. Postal Inspection Service (USPIS) Cleveland, Ohio Field Office to the Contraband Interdictions and Investigations Group, which strives to protect the U.S. Mail from dangerous drugs and illegal contraband, specifically illicit drugs and firearms. I have received training in the detection and investigation of drug trafficking. I have worked drug trafficking investigations involving the U.S. Mails since August 2012, during which time I have been involved in narcotics investigations leading to prosecution in U.S. District Court, as well as state courts.
2. I know from my training and experience, and the training and experience of other Postal Inspectors, that the U.S. Mail is often used by drug traffickers to transport controlled substances as well as U.S. currency derived from their illicit activities, either as proceeds and/or payment. I know from my training and experience the Priority Mail system is commonly used to transport controlled substances and associated currency because Priority Mail provides traceability, reliability, and timely delivery. The guaranteed delivery timeframe of Priority Mail places time pressures on law enforcement agents to identify, search, and deliver these drug parcels in a timely manner.
3. As a result of past investigations and prosecutions, the Postal Inspection Service has determined that a number of indicators can be used to identify packages containing contraband that have been entered into the Priority Mail network. Inspectors routinely review shipment documents and Priority Mail packages originating from or destined to drug source areas to identify instances where there is a possibility of drug trafficking.

4. On or about April 7, 2022, Postal Inspectors identified U.S. Postal Service Priority Mail parcels bearing label numbers 9505 5125 9659 2096 6683 85 and 9505 5125 9659 2096 6683 92, which are believed to contain narcotics, in violation of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute a controlled substance) and 843(b) (illegal use of mail in furtherance of narcotics trafficking). Inspectors identified these two parcels as suspected drug parcels based on several characteristics, including but not limited to type of mail, origin, destination, label, postage, and size. Both parcels were addressed to Jim Davis, 1209 Indiana St, Martins Ferry, OH 43935, with a return address of James Davis 19260 Danbury Ave, Hesperia, CA 92392. The two parcels were mailed at the same time on April 6, 2022 from the Hesperia, California 92345 Post Office.
5. The first parcel is described as USPS Priority Mail parcel bearing tracking number 9505 5125 9659 2096 6683 85, addressed to Jim Davis, 1209 Indiana St, Martins Ferry, OH 43935, with a return address of James Davis, 19260 Danbury Ave, Hesperia, CA 92392 (hereinafter "Subject Parcel 1"). Subject Parcel 1 is described as a white Priority Mail Large Mailing Box measuring approximately 12" X 12" X 8" in size and weighing approximately nine pounds and eleven ounces. Subject Parcel 1 bore \$46.30 in U.S. Postage.
6. The second parcel is described as USPS Priority Mail parcel bearing tracking number 9505 5125 9659 2096 6683 92, addressed to Jim Davis, 1209 Indiana St, Martins Ferry, OH 43935, with a return address of James Davis, 19260 Danbury Ave, Hesperia, CA 92392 (hereinafter "Subject Parcel 2"). Subject Parcel 2 is described as a white Priority Mail Large Mailing Box measuring approximately 12" X 12" X 8" in size and weighing approximately eleven pounds and one ounce. Subject Parcel 2 bore \$54.50 in U.S. Postage.
7. I identified the Subject Parcels as suspect drug parcels based on several characteristics, including but not limited to type of mail, origin, destination, and size. I know based on training and experience that California has historically been a source area for mailed controlled substances into Southeastern Ohio.
8. I made inquiries with CLEAR, an electronic database that has proven reliable in previous investigations in determining the legitimacy of name, address, and phone number information concerning the delivery address of 1209 Indiana St, Martins Ferry, OH 43935, and was unable to associate an individual with the name Jim Davis at the delivery address.
9. I also made inquiries with CLEAR concerning the return address of 19260 Danbury Ave, Hesperia, CA 92392, and was unable to associate an individual with the name James Davis at the listed return address.

10. I know based on training and experience that individuals using the U. S. Mail for the purpose of transporting controlled substances will often place fictitious address, name and/or phone number information, different variations of their names, initials, or no names at all on these parcels, to conceal their true identities from law enforcement should the parcel be seized.
11. On April 8, 2022, the Subject Parcels arrived at the Martins Ferry Post Office in Martins Ferry, Ohio. I contacted the Martins Ferry Post Office and requested the Subject Parcels be held pending further investigation. At your affiant's direction, Detective Randy Stewart of the Belmont County Criminal Interdiction Unit took custody of the Subject Parcels at the Martins Ferry Post Office and transported them to the Belmont County Criminal Interdiction Unit office for further investigation.
12. On April 8, 2022 at the Belmont County Criminal Interdiction Unit office, the Subject Parcels were placed into a lineup containing several blank parcels which emanated no narcotics odors. Narcotic detection canine "Xyrem," handled by Detective Dustin Hilderbrand of the Belmont County Sheriff's Office was allowed to examine the lineup. According to Detective Hilderbrand, Xyrem gave a positive alert on each of the Subject Parcels but none of the blank parcels. According to Detective Hilderbrand, these positive alerts meant Xyrem detected the odor of an illegal drug emanating from the Subject Parcels.
13. Detective Hilderbrand has been State Certified as a Narcotics Canine handler and he and narcotics canine Xyrem have worked together for over three years. Detective Hilderbrand and canine Xyrem were both certified in July 2021 by the Ohio Peace Officer Training Commission as a Special Purpose Canine Unit for narcotic detection. During this time, Xyrem was trained and certified to alert to the presence of the odors from marijuana, cocaine, heroin, methamphetamine and their derivatives. Detective Hilderbrand has been trained how to handle a detector canine and read their alerts. According to Detective Hilderbrand, Xyrem is a reliable canine assist unit.
14. I know based on training and experience that individuals who regularly handle controlled substances often leave the scent of controlled substances, which narcotic canines are trained to indicate alert, on the box, contents of the box, and/or other packaging material they handle.

15. Based on the information contained herein, your Affiant maintains there is probable cause to believe that USPS Priority Mail parcel bearing tracking number 9505 5125 9659 2096 6683 85, addressed to Jim Davis, 1209 Indiana St, Martins Ferry, OH 43935, with a return address of James Davis, 19260 Danbury Ave, Hesperia, CA 92392 and USPS Priority Mail parcel bearing tracking number 9505 5125 9659 2096 6683 92, addressed to Jim Davis, 1209 Indiana St, Martins Ferry, OH 43935, with a return address of James Davis, 19260 Danbury Ave, Hesperia, CA 92392, contain controlled substances, and/or proceeds which are evidence thereof, and/or contraband, in violation of Title 21, United States Code, Section 841(a)(1) and 843(b).



Marc Kudley
United States Postal Inspector

On April ____, 2022 this affidavit was sworn to by the affiant, who did no more than attest to its contents pursuant to Crim. R. 4.1 (b)(2)(A), by telephone after a document was transmitted by email, per Crim R. 4.1.



Kimberly A. Johnson
United States Magistrate Judge